

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Masahiko NANRI

Art Unit 4121

Appln. No.: 10/533,076

Exr. Y. Nilanont

Filed: April 28, 2005

Conf. No. 2401

For: COMMUNICATION SYSTEM AND METHOD THAT GENERATE A NEW
PACKET TRANSMISSION WINDOW BASED ON PACKET ARRIVAL
TIMES (as amended)

INFORMATION DISCLOSURE STATEMENT
AND FEE UNDER 37 CFR §1.17(p)

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 97(c), Applicants hereby call the attention of the Patent Office to the references listed on the attached Form PTO-1449. The references were cited in a counterpart Indian Office Action dated June 8, 2006.

The Cisco Press document cited bears no publication date. In fact, the undersigned has been informed by the Indian associate that the Indian Patent Office has conceded that the date thereof is unable to be determined, and thus has withdrawn the rejection based on this document due to its lack of a publication date. Accordingly, while a copy of this reference is being provided to the USPTO, it is submitted that this document is not prior art because its publication date, if any, cannot be determined.

Applicants present these references so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that these references be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

The fee of \$180.00 set forth in 37 CFR §1.17(p) may be charged to Deposit Account No. 04-1061.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fee (or credit any overpayment) to Deposit Account No. 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: August 29, 2008

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JEL/jcw

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